



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,708	04/04/2001	Tracy D. Mallory	42137/RJP/E264	3105
23363	7590	05/05/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			DAVIS, CYNTHIA L	
PO BOX 7068				
PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,708

Applicant(s)

MALLORY, TRACY D.

Examiner

Cynthia L Davis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/28/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/28/2005 have been fully considered but they are not persuasive. Regarding applicant's argument that neither the Cain I or Cain II references contain the word "frame," and therefore cannot be applied to claims 16-22, see the definition of "frame" in Newton's Telecomm Dictionary, 20th ed., 2004, defining frame as a packet, a generic term specific to a number of data communications protocols, or a logical unit of data. Cain I and II make reference to LSA protocol messages, which are packets or logical units of data. The rejections to claims 16-22 are valid.

Allowable Subject Matter

2. Claim 1-15 are allowed.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 16-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Cain (6697325).

Regarding claim 16, a method of sharing information among a plurality stations on a communications network, each of the plurality of stations being capable of transmitting and receiving frames over the communications network between any one station and all other stations, comprising periodically broadcasting by one station to all other stations capabilities and status announcements sent in control frames is disclosed

Art Unit: 2665

in Cain (6697325), column 1, lines 30-33 (each node periodically sends out status information to all of the other nodes).

Regarding claim 17, the control frame including status flags determinative of one or more of: a version of protocol under which the communications network is operating, optional feature support, link-layer priority usage, and network configuration commands is disclosed in Cain, column 1, lines 30-33 (the messages are in link state advertisement protocol, which would be communicated in each message).

Regarding claim 18, stations receiving the control frames make operational decisions based upon the agreed-upon flags without further interaction amongst the stations on the communications network is disclosed in Cain, column 1, lines 36-40 (the stations determine the routes without any further input from the other stations)

Regarding claim 19, the control frame being transmitted by a station once per minute or upon a change in current status of the station is disclosed in column 5, lines 7-13 of Cain (a message is sent when a link fails, which is a change of status).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cain (6697325) in view of Yoshiyama.

Regarding claim 20, a second copy of a most recent control frame being transmitted by a station at a randomly selected interval after a control frame is sent by the station announcing a status change is missing from Cain. However, Yoshiyama discloses in column 2, lines 9-13, nodes sending out multiple copies of command messages. It would have been obvious to one skilled in the art at the time of the invention to have the station send out a second copy of the control frame. The motivation would be to ensure that it was received by all stations on the network.

Regarding claim 22, the control frame including an operation code that may be set to either a request operation code or an announcement operation code such that when a station receives the control frame with the request operation code a timer is set and the receiving station sends a control frame with an announcement operation code at the timer expiration is missing from Cain. However, Yoshiyama discloses in column 1, lines 66-column 2, line 5, nodes sending out command messages that demand a response, which the receiving nodes send back. It would have been obvious to one skilled in the art at the time of the invention to include operation codes that demand a response in the control frames. The motivation would be to indicate whether a response is expected by the sending station.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cain (6697325) in view of Cain (6606325).

Regarding claim 21, the control frame being sent at a highest link layer protocol priority is missing from Cain (6697325). However, Cain (6606325) discloses in column 2, lines 37-43, LSA messages being sent over a special fast path. It would have been

obvious to one skilled in the art to send the messages containing the status information at a higher priority than normal traffic. The motivation would be to ensure that the status information is received by the other stations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

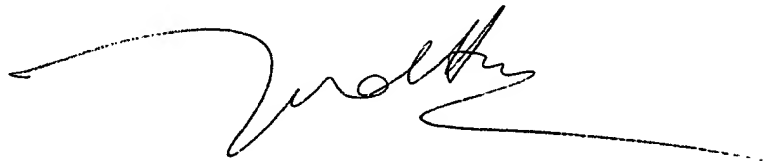
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLD
4/29/2005

CLD
4/29/2005



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600